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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Red Pine Point LLC,

Plaintiff,

v.

DIRECTV, LLC,

Defendant.

Case No.

Complaint for Patent Infringement

Plaintiff Red Pine Point LLC ("Red Pine"), by its undersigned attorneys, for its
Complaint against Defendant DIRECTV ("DIRECTV" or "Defendant"), states as follows:

NATURE OF THE ACTION

1. This is a patent-infringement action by Red Pine against DIRECTV, an online
retailer. As detailed below, Red Pine has been harmed by DIRECTV's unlawful use of Red
Pine's patents for commercial purposes.

2. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 et seq. This court therefore has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper under 28 U.S.C. §§ 1391(b)(3) and 1400(b).

Plaintiff

Defendants

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FACTUAL BACKGROUND

7. Red Pine owns United States Patent 8,521,601 (the “‘601 patent”).

8. The field of the invention of the ‘601 patent is movie distribution. Movies have historically been distributed by leveraging the period of time when the public may only view the movie in a theatre. Thus, the movie distributor risked substantial capital to promote the movie, maximize box office sales, and prolong the exclusive period during which the movie was only available for viewing in the theater.

9. This historic method of movie distribution posed a number of challenges and missed opportunities. For example, promoting a movie in order to drive box office sales is expensive and time-consuming. In addition, and obviously, not all movies have the same potential at the box office. The target audience of *Enemy* is not the same as the target audience of *Avatar* or *Titanic*.

10. The ‘601 invention provides a solution. By segmenting the movie distribution market and determining which movies’ potential at the box office does not warrant the same promotional effort, companies may distribute movies like *Enemy* to hand-held devices before *Enemy* is publicly available for viewing in theaters or on DVD.

CLAIM ALLEGED

11. Red Pine repeats the allegations of paragraphs 1 through 10 of this Complaint as though fully alleged herein.

12. Red Pine is the exclusive owner of the ‘601 patent, which is attached as Exhibit 1.

13. The ‘601 patent is valid and enforceable.

14. DIRECTV directly infringes claims of the ‘601 patent. DIRECTV makes, uses, sells, and offers for sale products, methods, equipment, and services that practice claims 1

1 and 4 of the '601 patent.

2 15. For example, and without limiting the '601 patent claims that will be asserted
3 in this action or the DIRECTV services accused of infringing the '601 patent claims, the
4 distribution of *Enemy* infringes claim 1 of the '601 patent.

5 16. Claim 1 is a method of displaying "an advertisement to purchase a feature
6 length film (FLM) before the FLM is publicly available to view in movie theaters and before
7 the FLM is publicly available to buy on digital video disks (DVDs)" DIRECTV advertised
8 *Enemy* for purchase before the movie was publicly available to view in movie theaters and
9 before the movie was publicly available to buy on DVD.

10 17. The method of claim 1 involves displaying a movie trailer for the FLM.
11 DIRECTV displayed a movie trailer for *Enemy*.

12 18. When practicing claim 1, you sell the FLM for purchase with "handheld
13 portable electronic devices (HPEDs) before the FLM is publicly available to view in the
14 movie theaters and before the FLM is publicly available to buy on the DVDs." DIRECTV sold
15 *Enemy* for purchase before *Enemy* was in the theaters and before *Enemy* was publicly
16 available on DVD.

17 19. The claim 1 method involves wirelessly transmitting and downloading of the
18 FLM. DIRECTV did this with respect to sales and rentals of *Enemy*. These sales and rentals
19 were also "downloaded to the HPEDs such that the FLM plays on the HPEDs at times
20 decided by the individuals viewing the FLM with the times being before the FLM is publicly
21 available to view in the movie theaters and before the FLM is publicly available to buy on
22 the DVDs"

23 20. DIRECTV practiced the remaining steps of claim 1 because *Enemy* was
24 distributed to movie theaters and is greater than sixty minutes long.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of all claims in this Complaint so triable.

REQUEST FOR RELIEF

WHEREFORE, Red Pine prays for the following relief against DIRECTV:

(A) Judgment that DIRECTV has directly infringed claims of the '601 patent claims;

(B) For a reasonable royalty;

(C) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law; and

(D) For such other and further relief as the Court may deem just and proper.

Date: October 27, 2014

Respectfully submitted,

/s/ Todd C. Atkins

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